

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SHIRLEY A. GOODE AND SEAN GOODE,

Plaintiff,

V.

C.A. No.

DANIEL SMITH and CITY OF BOSTON

Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C.A. §§1331, 1441 and 1446, defendant City of Boston files this Notice of Removal of the above-captioned case from the Superior Court Department of the Trial Court of the Commonwealth of Massachusetts, Suffolk County, to the United States District Court for the District of Massachusetts. In support of this notice of removal, the City states as follows:

CASE BACKGROUND AND GROUNDS FOR REMOVAL

1. On July 2, 2021, the plaintiffs commenced a civil action in the Suffolk Superior Court against the Defendants, styled *Goode, Shirley et al. vs. City of Boston et al.*, Civil Action. No. 2184CV01507 (the “State Court Action”). Plaintiffs’ complaint asserts five (5) counts against two defendants – the City of Boston and co-defendant officer Daniel Smith.

2. Plaintiffs' first count asserts a federal claim against Daniel Smith for under 42 U.S.C. § 1983.

3. Plaintiffs also assert a state statutory claim (under M.G.L. c. 272 § 85A) and a common law claim of intentional infliction of emotional distress against Daniel Smith, along with claims of negligence and negligent infliction of emotional distress against the City.

4. As required by 28 U.S.C. §1446(a), attached as **Exhibit A** are copies of all process, pleadings and orders served upon the City in the State Court Action. The Notice of Removal is timely. Service of Plaintiff's complaint was made on the City on September 2, 2021. This Notice of Removal was filed prior to the expiration of 30 days from the date of service. See 28 U.S.C. §1446(b)(1); Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344 (1999).

5. This Court has federal question subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331 as the civil action arises under Chapter 42 of the United States Code.

6. Venue is proper in this Court pursuant to 28 U.S.C.A. §1441(a) because the State Court Action is pending in Massachusetts.

7. All defendants who are known to have been served, have consented, as required by 28 U.S.C. 1446(b)(2)(A), to the removal of this action to the United States District Court for the District of Massachusetts.

8. This Notice of Removal has been served on Plaintiff's counsel. A Notice of Filing of Notice of Removal (attached as **Exhibit B**) will be filed in the Suffolk Superior Court upon filing of this Notice of Removal.

WHEREFORE, the City hereby removes the above-captioned case from the

Superior Court Department of the Trial Court for the Commonwealth of Massachusetts (Suffolk) and requests that further proceedings be conducted in this Court as provided by law.

Date: September 7, 2021

Respectfully submitted,

CITY OF BOSTON,

By its attorneys:

Henry C. Luthin

Corporation Counsel

/s/ Nieve Anjomi

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Certificate of Service

I, Nieve Anjomi, hereby certify that on September 7, 2021, a true and correct copy of this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, as well as by email to counsel for the Plaintiffs, Daryl Abbas.

/s/ Nieve Anjomi

Nieve Anjomi